



101 Eisenhower Parkway, Suite 412 | 535 Fifth Avenue, 4th Floor

MEMO ENDORSED:

The application is granted. The conference currently scheduled for November 16, 2021 will now take place on **November 23, 2021 at 10:30 a.m.** The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the telephone conference by dialing the same number and using the same access code. The Court is holding multiple telephone conferences on this date. The parties should call in at the scheduled time and wait on the line for their case to be called. At that time, the Court will un-mute the parties' lines. Two days before the conference, the parties must email Michael_Ruocco@nysd.uscourts.gov and GardepheNYSDCambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the conference so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.

November 10, 2021

Via ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York

**Re: MedQuest, Ltd. v. R
Joint Letter, On Con
Initial Conference**

SO ORDERED.

Paul G. Gardephe
United States District Judge
Dated: November 10, 2021

Your Honor:

This firm represents Christine Rosa, Carolyn Fink, and Trimeritus Group LLC (collectively, "**Defendants**") in the above-referenced action. I write on behalf of all parties to respectfully request that the initial conference, currently scheduled for November 16, be adjourned pending the Court's decision regarding Defendants' request for permission to file a Rule 12(b)(6) motion to dismiss the Amended Complaint.

This is the parties' third request to adjourn the initial conference. It is submitted on consent.

The reason for this request is because it will be challenging for counsel to conduct a substantive meet-and-confer and to draft a proposed case management plan unless and until Defendants have filed, and Plaintiff has had an opportunity to review, Defendants' answer, including any counterclaims. Pursuant to the Court's individual rules (IV.A), "submission of a pre-motion letter concerning a motion to dismiss will stay the defendant's time to answer or otherwise move with respect to the complaint." Defendants submitted such a letter on August 17, 2021.¹ Currently, it is pending before the Court.

On behalf of all parties, I thank the Court for its consideration.

¹ Defendants filed a pre-motion letter on August 17, 2021 (Docket No. 17). Plaintiff filed a letter in opposition on August 23 (Docket No. 20). Defendants filed a reply letter on August 27 (Docket No. 23). Plaintiff filed a sur-reply letter on August 30 (Docket No. 24). Defendants requested permission to file a response to Plaintiff's sur-reply letter on August 30 (Docket No. 25).



Respectfully submitted,

AY STRAUSS LLC

By: /s/ Joseph H. Harris

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cc: **Via ECF**

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